

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ALLAN MOONEY,

Plaintiff,

V.

FRITO-LAY NORTH AMERICA,
INC., and PEPSICO, INC.,

Defendants.

No.: 0:13-cv-00648-DWF-JJG

Judge: Hon. Donovan W. Frank

Magistrate Judge: Hon. Jeanne J. Graham

Date: June 14, 2013

Time: 9:00 AM

Courtroom: 7C

PLAINTIFF'S MOTION FOR REMAND TO STATE COURT

Plaintiff Allan Mooney, for the reasons set forth in the accompanying Memorandum of Law, moves this court:

1. For an order immediately remanding the above-referenced case to Minnesota state court;
2. For a ruling that the Defendants' Notice of Removal was objectively unreasonable and for an order awarding Plaintiff reimbursement of his costs, expenses and attorneys' fees incurred in connection with having to file this motion for remand, to be paid by the removing Defendants pursuant to 28 U.S.C. § 1447; and
3. For the Court to consider its subject-matter jurisdiction and/or this motion for remand on an expedited basis, given the facial impropriety of removal and the

prejudicial consequences of delay and burdensome inconvenience that will result for Plaintiff otherwise.

This motion is brought pursuant to 28 U.S.C. § 1447 and the Court's inherent duty to remand an action to state court *sua sponte* at any time for lack of subject-matter jurisdiction. This motion is based upon the Memorandum of Law served and filed herewith, upon the grounds stated with particularity therein, and upon all other files and records in this action.

Respectfully submitted,

DATED: April 4, 2013

By: /s/ Paul R. Hansmeier
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